

EXHIBIT 51

REDACTED

1 1 IN THE UNITED STATES DISTRICT COURT
 2 2 NORTHERN DISTRICT OF ILLINOIS
 3 3 EASTERN DIVISION
 4 4 DOROTHY FORTH, DONNA BAILEY,)
 5 5 LISA BULLARD, RICARDO)
 6 6 GONZALES, CYNTHIA RUSSO,)
 7 7 TROY TERMINE, INTERNATIONAL)
 8 8 BROTHERHOOD OF ELECTRICAL)
 9 9 WORKERS LOCAL 38 HEALTH AND)
 10 10 UNION OF OPERATING ENGINEERS)
 11 11 LOCAL 295-295C WELFARE FUND,)
 12 12 AND STEAMFITTERS FUND LOCAL)
 13 13 439, on Behalf of Themselves)
 14 14 and All Others Similarly)
 15 15 Situated,)
 16 16 Plaintiffs,) Civil No.
 17 17 vs.) 17-cv-02246
 18 18 WALGREEN CO.,)
 19 19 Defendant.)
 20 20 The videotaped deposition of LISA
 21 21 BULLARD, called as a witness for examination,
 22 22 taken pursuant to the Federal Rules of Civil
 23 23 Procedure of the United States District Courts
 24 24 pertaining to the taking of depositions, taken
 25

1 1 before ANDREA L. KIM, a Certified Shorthand
2 2 Reporter of said state, CSR No. 84-3722, at Suite
3 3 3000, 150 South Wacker Drive, Chicago, Illinois,
4 4 on the 7th day of February, A.D. 2019, at 9:30
5 5 a.m.

6 6

7 7 PRESENT:

8 8

9 9 TUSA P.C.,
10 10 (P.O. Box 566,
11 11 Southold, New York 11971
12 12 631-407-5100), by:

13 13 MR. JOSEPH S. TUSA,
14 14 joseph.tusapc@gmail.com,

15 15 -and-

16 16 SCOTT + SCOTT, ATTORNEYS AT LAW, LLP,
17 17 (230 Park Avenue, 17th Floor,
18 18 New York, New York 10169
19 19 212-223-6444), by:

20 20 MR. JOSEPH P. GUGLIELMO,
21 21 jguglielmo@scott-scott.com,

22 22 appeared on behalf of the Plaintiffs;

23 23

24 24

25

1 1 BY THE WITNESS:

2 2 A. Oh, thank you. Oh, it's underneath
3 3 here, sorry. Miles 3.5 -- I'm looking on the
4 4 map, 3.5.

5 5 BY MR. LEIB:

6 6 Q. Now I am going to hand you what we
7 7 will mark as Defendant's Deposition Exhibit 7.

8 8 (WHEREUPON, a certain document
9 9 was marked Defendant's Deposition
10 10 Exhibit No. 7, for
11 11 identification, as of 2/7/19.)

12 12 BY MR. LEIB:

13 13 Q. This is a map from your house to the
14 14 CVS that's near you.

15 15 A. Uh-huh.

16 16 Q. Can you read how many miles away the
17 17 CVS is from your home?

18 18 A. Sorry. The CVS 2.3.

19 19 Q. So the CVS is 1.2 miles closer in
20 20 driving distance, correct?

21 21 A. Yes. If that was what convenience
22 22 means to me, yes.

23 23 Q. I actually haven't asked that
24 24 question --

25

1 A. I know, but I am know where you are
2 going, Michael. I know where you are going.

3 You're going mileage. I'm sorry. No, but --

4 MR. TUSA: Go ahead. Let him ask his
5 question.

6 THE WITNESS: Okay.

7 BY MR. LEIB:

8 Q. Go ahead. Feel free.

9 MR. TUSA: That's okay. Let him ask his
10 question. I think we all know what the question
11 is, but let him ask it.

12 BY MR. LEIB:

13 Q. Given that the CVS is -- well, I will
14 just ask it.

15 Given that the CVS is 1.2 miles closer
16 to your home than the Walgreens, why is the
17 Walgreens more convenient?

18 A. The Walgreens in question, the one I
19 go to happens to be in South Cape Plaza. My hair
20 dresser is there. Roche Brothers the supermarket
21 is there. Marshalls is there. Home Goods is
22 there. In other words, I do all my shopping
23 there, one-stop shopping.

24 So I have always gone to the Walgreens
25

1 1 for makeup, for all kinds of things, and it just
2 2 was the logical place to go to fill my
3 3 prescriptions. More importantly because the
4 4 Duane Reade in New York has transferred
5 5 everything, and at the beginning there was a
6 6 problem between filling the prescriptions. Some
7 7 were 20, some were 30. And it was -- the Duane
8 8 Reade there and the Walgreens in Mashpee were
9 9 able to get coordinated enough because certain of
10 10 these prescriptions [REDACTED]. I need a
11 11 90-day supply because it's one of those things
12 12 you can't run out of, you know. Do you
13 13 understand what I am saying? It's -- convenience
14 14 means that it's all in one-stop shopping for me.

15 15 Q. Because these other places where you
16 16 shop --

17 17 A. We do everything there. We do
18 18 everything there. There's also what we would
19 19 call an urgent care there. They call it a
20 20 community center, and I go there as well.

21 21 Q. Where do you do your supermarket
22 22 shopping?

23 23 A. Roche Brothers, and there's also a
24 24 Stop & Shop there in Falmouth.

25

1 1 Q. You are aware that the Stop & Shop has

2 2 a --

3 3 A. Oh, indeed.

4 4 Q. -- pharmacy, correct?

5 5 A. Indeed.

6 6 Q. Okay. So it would be just as
7 7 convenient for you to get your prescriptions
8 8 filled where you go supermarket shopping,
9 9 wouldn't it be?

10 10 A. But I go to Roche Brothers in Mashpee.

11 11 Q. But you just said you also go to --

12 12 A. Also Stop-N-Shop but mostly Mashpee.
13 13 I prefer to go to Mashpee. It's classier.

14 14 Q. The Stop & Shop and the Walgreens are
15 15 very close to each other, aren't they?

16 16 A. I'm sorry?

17 17 Q. The Stop & Shop and the Walgreens are
18 18 very close to each other, aren't they?

19 19 A. No, you are talking about the Stop &
20 20 Shop in Mashpee. I go to the Roche Brothers in
21 21 Mashpee. The Stop & Shop I was referring to is
22 22 the one in Falmouth which is near the hospital
23 23 which is near the ER, and I have gone there for
24 24 emergency drugs if I have had to go to the

25

1 1 emergency room or if my husband has had to go to
2 2 the emergency room.

3 3 Q. There's a Stop & Shop in Mashpee,
4 4 correct?

5 5 A. Yes.

6 6 Q. And that is close to the Walgreens?

7 7 A. It's on the way to Walgreens. I mean,
8 8 Walgreens is on the way to the Stop & Shop.

9 9 Q. And they are pretty close to each
10 10 other, right?

11 11 A. It's not far.

12 12 Q. So it would be easy for you to get
13 13 your prescriptions at the Stop & Shop too, right?

14 14 A. No, you would have to -- you know,
15 15 maybe we could just take a drive, and you will
16 16 see what I am saying to you. It's -- Walgreens
17 17 is closer and more convenient.

18 18 THE WITNESS: I don't know why they don't
19 19 believe me. I live there.

20 20 MR. TUSA: That's okay.

21 21 BY MR. LEIB:

22 22 Q. I am going to hand you Defendant's
23 23 Deposition Exhibit 8.

24 24

25

1 1 (WHEREUPON, a certain document
2 2 was marked Defendant's Deposition
3 3 Exhibit No. 8, for
4 4 identification, as of 2/7/19.)

5 5 BY THE WITNESS:

6 6 A. Oh, I see what you did, yeah.

7 7 BY MR. LEIB:

8 8 Q. So the Stop & Shop it says it's 4.2
9 9 miles from your house whereas the Walgreens is
10 10 3.5 miles, and basically would you agree it's
11 11 just point 7 miles further up the road than the
12 12 Walgreens, correct?

13 13 A. Whatever you say, Michael.

14 14 Q. No, no, and I am asking you --

15 15 A. And I don't know mileage. I will tell
16 16 you if I leave my house Dasilva Drive, I go to
17 17 28, and the first -- the first place I stop at or
18 18 I see is the Walgreens at the Cape Shopping
19 19 Center.

20 20 Q. And you see this is also -- to get to
21 21 the Stop & Shop from your house is also going via
22 22 Route 28?

23 23 A. But it's beyond.

24 24 Q. I agree with that. I am not saying --
25

1 A. Michael, the Cape is very strange.
2 2 You have 28 -- you have 28. Then you have 28
3 3 again. I am not trying to -- I just know the
4 4 area, and you don't. You have maps.

5 5 Q. All I'm trying to establish. Okay.

6 6 A. Yeah.

7 7 Q. Hold on. Is that the Stop & Shop is
8 8 just a little more up the road on 28 than the
9 9 Walgreens, correct?

10 10 A. It is up the rotary. We know
11 11 rotaries. You have to go up to the rotary, go
12 12 around the rotary, and then keep going and then
13 13 you make a left into Mashpee Commons. Then you
14 14 get to that Stop & Shop.

15 15 Q. And how long do you think it would
16 16 take you to drive --

17 17 A. I don't know.

18 18 Q. How long do you think it would take
19 19 you to drive from the Walgreens to the Stop &
20 20 Shop?

21 21 A. Five, ten minutes depending on season.
22 22 Besides I don't want to go there.

23 23 Q. Why not?

24 24 A. Because it doesn't make sense. Why do
25

1 1 I have to go out of my way because Walgreens is
2 2 silly. I am not doing that.

3 3 Q. I am going to hand you a document we
4 4 will get marked as deposition -- Defendant's
5 5 Deposition Exhibit 9.

6 6 (WHEREUPON, a certain document
7 7 was marked Defendant's Deposition
8 8 Exhibit No. 9, for
9 9 identification, as of 2/7/19.)

10 10 MR. LEIB: I'm sorry. If you could not
11 11 point out anything on the exhibits to the
12 12 witness. You are not allowed to coach the
13 13 witness during the deposition --

14 14 BY THE WITNESS:

15 15 A. It's not coaching, Michael. I'll
16 16 explain in a minute. I'll explain --

17 17 MR. LEIB: If I can't see it, it shouldn't
18 18 go on.

19 19 MR. TUSA: That's okay. Pointing to
20 20 Wal-Mart.

21 21 THE WITNESS: Wal-Mart, yeah.

22 22 MR. TUSA: You are welcome in on the joke.

23 23 BY MR. LEIB:

24 24 Q. Okay. So this is a map from your
25

1 1 house to the closest --

2 2 A. Wal-Mart, yeah.

3 3 Q. -- Wal-Mart in Teaticket?

4 4 A. There is only one Wal-Mart on the
5 5 Cape, sorry.

6 6 Q. And this map shows it's 5.1 miles away
7 7 from your house?

8 8 A. Uh-huh.

9 9 MR. TUSA: I think we have this one. All
10 10 right. Different version. Okay.

11 11 THE WITNESS: Are we done with the --

12 12 MR. TUSA: The maps, I think so.

13 13 THE WITNESS: Okay.

14 14 MR. LEIB: If we can get this marked as
15 15 Deposition Exhibit 10.

16 16 (WHEREUPON, a certain document
17 17 was marked Defendant's Deposition
18 18 Exhibit No. 10, for
19 19 identification, as of 2/7/19.)

20 20 BY MR. LEIB:

21 21 Q. This is the same exhibit we looked at
22 22 before. You recognize this exhibit? The only
23 23 difference is it doesn't have the highlighting
24 24 that the prior one had.

25

1 1 Q. And it says Guide to low-cost
2 2 prescriptions. Do you see that?

3 3 And you see that it's effective
4 4 7/25/2018 at the very top?

5 5 A. Yes, I see that.

6 6 Q. If you look on the second page, the
7 7 top right-hand corner there's a category Other.
8 8 Do you see that?

9 9 A. I do.

10 10 Q. Do you see the second one down says

11 11 [REDACTED]

12 12 A. I do.

13 13 Q. And it says 5 milligrams -- it says
14 14 2.5 milligrams or 5 milligrams?

15 15 A. Correct.

16 16 Q. And it says that a 90-day quantity
17 17 would cost \$10.

18 18 Do you see that?

19 19 A. Yes, I do.

20 20 Q. Knowing that you can save \$5.66 by
21 21 purchasing [REDACTED] at your local
22 22 Wal-Mart, will you now get that prescription
23 23 filled at Wal-Mart rather than Walgreens?

24 24 MR. TUSA: Objection to form. You may

25

1 1 answer.

2 2 BY THE WITNESS:

3 3 A. I would say, no, I was not aware of
4 4 this program. I never go into Wal-Mart even
5 5 though it is in Falmouth on principle, and I
6 6 would say, no, even knowing this which I did not
7 7 know.

8 8 BY MR. LEIB:

9 9 Q. What principle would keep you from --

10 10 A. I don't like them. I don't like
11 11 Wal-Mart.

12 12 Q. Because?

13 13 A. Personal reasons. I would not have
14 14 them -- I would not have my prescriptions filled
15 15 there. It's unfortunate, Michael, because I like
16 16 to go places -- don't we all -- whenever possible
17 17 that I am comfortable in and with, and I just am
18 18 rather disappointed that -- you know, that
19 19 there's all this futzing around with money.

20 20 Why can't it just be -- why did this
21 21 have to happen? Why did Wal-Mart have to do
22 22 this? Why can't it just be the same
23 23 prescription. Wal-Mart can do it. I'm sorry.
24 24 I'm rambling on. In answer to your question, I

25

1 1 hereto, nor am I interested directly or
2 2 indirectly in the outcome of this action.

3 3

4 4 IN WITNESS WHEREOF, I do hereunto set
5 5 my hand and affix my seal of office at Chicago,
6 6 Illinois, this 15th day of February, 2019.

7 7

8 8

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10 10

11 11

A handwritten signature in cursive script that reads "Andrea L. Kim".

12 12

ANDREA L. KIM, CSR

13 13

License No. 84-3722.

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